

Response under 37 C.F.R. 1.116 – Expedited Procedure

Serial No.: 09/987,376

Examiner: Stephen E. Jones

REMARKS/ARGUMENTS

This response is submitted to correct the omission of claims 1-63 (previously canceled) in the immediately previous amendment.

Claims 64, 66, 68, 71, 77, and 78 remain in this application.

Claims 64, 66, 68, and 71 have been rejected under 35 USC 103(a) as being unpatentable over Ishitobi (JP 09148810) in view of Blum et al. (US 4,691,179) and Matsumoto et al. (US 2001/0028287). Independent claim 64 has been amended.

The cited prior art does not consider the problem of independently tuning multiple resonant modes within a block resonator filter and offers no teaching thereon. By contrast, the present invention teaches and claims (a) where to place particular tuning elements and (b) in what direction (in the case of slot) to (c) affect which resonant modes. It is respectfully submitted that, even with hindsight, the teachings of the references cannot be combined and stretched to suggest the claimed invention.

The Examiner has stated that “the combination results in the same structure as the present claims, as an obvious consequence it would function in the same manner including tuning of modes independently by the affected/removed area.” Applicants disagree and submit that simply affecting an area of a triple mode block resonator and changing some frequency does not function to achieve the independent tuning of selected modes as described in detail in claims 64, 66, 68, and 71. For the foregoing reasons, it is submitted that these claims are patentable over the cited prior art.

Claims 77-78 have been rejected under the judicially created doctrine of double patenting. A terminal disclaimer submitted herewith is believed to overcome this rejection.

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For the above reasons, it is believed the foregoing Amendment places the Application in condition for allowance. If any points remain in issue which the Examiner feels may be best resolved through an interview, he/she is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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